

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MICHAEL JAMES CONSTANTINE,

Petitioner,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Civil File No. 13-2867 (MJD/LIB)

WARDEN J.R. KRUEGER,

Respondent.

Michael James Constantine, pro se.

Matthew Frank, Minnesota Attorney General's Office, and Peter R. Marker,
Ramsey County Attorney's Office, Counsel for Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated July 31, 2014. Petitioner filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation of United States Magistrate Judge Brisbois dated July 31, 2014.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated July 31, 2014 [Docket No. 63].
2. The Petitioner's Motion to Request Leave to Amend Petition for Writ of Habeas Corpus [Docket No. 14] is **GRANTED**;
3. The Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus, [Docket No. 6], is **GRANTED**;
4. The Amended Petition for a writ of habeas corpus is **DISMISSED WITH PREJUDICE**; and
5. Petitioner is **NOT** granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 9, 2014

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court